

Applicant : Anthony R. Perez et al.
Appl. No. : 10/023,587
Examiner : Michael J. Hayes
Docket No. : 706737.41

Remarks/Arguments

Reconsideration of this application is requested. Entry of the present amendment is requested because it is believed to place this application in condition for allowance or better form for appeal.

Turning first to the amendment to the specification that the Examiner objected to, it is requested that the Examiner reconsider based on the following:

The original specification on page 4, lines 12 through 14 stated "the various parts are generally molded from a suitable plastic, such as polypropylene, k-resin or polycarbonate, having a clear finish." This was amended to read:

-- The various parts are generally molded from a suitable plastic, such as polypropylene, synthetic resinous polymers of butadiene and styrene, or polycarbonate, having a clear finish. --

This amendment was made merely because it was discovered that "K-RESIN is a registered trademark, Registration No. 1,027,610 for "synthetic resinous polymers of butadiene and styrene." In view of this fact, it is respectfully submitted that the change to page 4 does not constitute new matter.

Alternatively, if the Examiner does not agree, the inserted phrase can be changed back to "K-RESIN a registered trademark." A copy of the K-RESIN registration is attached.

Turning now to the claims, the rejected Claims 62, 66-71, 75-97 and 100 are cancelled herewith without prejudice, pending the filing of a continuation application thereon, although Applicant does not agree with the Examiner's rejection.

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Claims 63-65, 72-74 and 98-99 were not rejected on art and, accordingly, dependent Claims 63 and 72 have been rewritten as new independent Claims 101 and 102, respectively, and dependent Claims 64 and 65 have been amended to depend on Claim 101 and dependent Claims 73 and 74 have been amended to depend on Claim 102.

Furthermore, a Terminal Disclaimer is submitted herewith to obviate the double patenting rejection.

In view of the foregoing, it is submitted that this application is in condition for allowance. The Examiner is encouraged to telephone the undersigned at (949) 567-6700 if there is any other matter that needs to be addressed in this application.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE
LLP

Dated: 8/26/04

By: 

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Typed Drawing

Word Mark	K-RESIN
Goods and Services	IC 017. US 001. G & S: SYNTHETIC RESINOUS POLYMERS OF BUTADIENE AND STYRENE. FIRST USE: 19690827. FIRST USE IN COMMERCE: 19690827
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72337829
Filing Date	September 12, 1969
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	1027610
Registration Date	December 16, 1975
Owner	(REGISTRANT) PHILLIPS PETROLEUM COMPANY CORPORATION DELAWARE FIFTH & KEELER BARTLESVILLE OKLAHOMA 74004
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	J.E. PHILLIPS
Type of Mark Register	TRADEMARK PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19960327
Live/Dead Indicator LIVE

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Word Mark K-RESIN STYRENE-BUTADIENE COPOLYMERS THE CLEAR CHOICE

Goods and Services IC 001. US 001 005 006 010 026 046. G & S: Unprocessed synthetic resinous copolymers of butadiene and styrene for packaging, consumer products, medical, chemical and polymer industries. FIRST USE: 20011000. FIRST USE IN COMMERCE: 20011000

IC 017. US 001 005 012 013 035 050. G & S: Synthetic resinous copolymers of butadiene and styrene in the form of pellets and in a form made from processing the polymers or polymer blends by extrusion, injection molding, blow molding, sheet forming, film forming for use in packaging, consumer products, medical, chemical and polymer industries. FIRST USE: 20011000. FIRST USE IN COMMERCE: 20011000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 230125 260121 261701

Serial Number 76346035

Filing Date December 6, 2001

Current Filing Basis 1A

Original Filing

Basis 1B
Published for Opposition December 3, 2002
Registration Number 2778402
Registration Date October 28, 2003
Owner (REGISTRANT) CHEVRON PHILLIPS CHEMICAL COMPANY LP Chevron Phillips Chemical Holding II LLC, a Delaware limited liability company LIMITED PARTNERSHIP DELAWARE 1301 McKinney Road, Suite 3450 Houston TEXAS 77010
Attorney of Record STEPHEN A. GOLDSMITH
Prior Registrations 1027610
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STYRENE-BUTADIENE COPOLYMERS" APART FROM THE MARK AS SHOWN
Description of Mark The stippling shown in the drawing is a feature of the mark and not intended to indicate color.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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